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November 14, 2017

Administrator E. Scott Pruitt

Office of the Administrator, Code 1101A

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, DC 20460

Attn: RIN 2060-AT59; RIN 2060-AT65

Re: Request for Publication of 40 C.F.R. Part 60 Subpart OOOOa Annual Compliance Reports and for Extension of Comment Periods on EPA's Notices of Data Availability on Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements and Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements

Dear Administrator Pruitt:

On behalf of our millions of members and supporters, the undersigned organizations request that you make public all annual compliance reports submitted by operators of oil and natural gas facilities to the Environmental Protection Agency ("EPA") as required by 40 C.F.R. Part 60 Subpart OOOOa. We also respectfully request that you extend the period for public comment on EPA's November 8, 2017, notices of data availability ("NODA") on Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements ("Two Year NODA")¹ and Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements ("Three Month NODA")² (collectively, "the NODAs") for at least 90 days after those reports are made available.

The NODAs are largely premised on alleged compliance difficulties operators are facing as they implement EPA's 2016 Rule establishing emission standards for new, reconstructed, and modified oil and natural gas sources ("2016 Rule").³ But, though styled as notices of data availability, EPA has failed to actually make available any data or specific information documenting those challenges for the public to comment upon. Meanwhile, the standards established by the 2016 Rule are currently in effect, and operators' annual reports documenting compliance with the standards were due to EPA by October 31, 2017. Thus, EPA should already be in possession of evidence that speaks directly to operators' ability to comply with the 2016 Rule. This evidence is critical for the public to evaluate the NODAs' as-yet-unsubstantiated

1 EPA, Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements, 82 Fed. Reg. 51,788 (Nov. 8, 2017).

2 EPA, Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Three Month Stay of Certain Requirements, 82 Fed. Reg. 51,794 (Nov. 8, 2017).

3 EPA, Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, 81 Fed. Reg. 35,824 (June 3, 2016).

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claims and to have a meaningful opportunity to comment on and present evidence with respect to the NODAs. Therefore, we request that EPA make public the full set of annual reports submitted to the agency and extend the comment period for at least 90 days after those reports are made available.⁴

An extension of the comment period is also warranted given the breadth of new issues raised by the NODAs, which are effectively re-proposals of EPA's June 2017 suspension proposals. In the NODAs, EPA proposes-for the first time-a substantive amendment of the 2016 Rule to extend its compliance deadlines. This substantive change was not included in EPA's initial June 2017 proposals to stay the 2016 Rule's requirements,⁵ which specifically precluded comment on any of the substantive requirements of the 2016 Rule.⁶ The Two-Year NODA also introduces for the first time an updated economic

analysis estimating the value of foregone climate benefits using a brand-new "interim" social cost of methane. This is a significant departure from the 2016 Rule, which used the Interagency Working Group's ("IWG") social cost of methane to calculate the benefits of emission reductions. The methodology behind the IWG's social cost of methane measure and EPA's decision to use that measure were subject to extensive peer review and public comment.⁷ By contrast, the "interim" social cost of methane used by EPA in the Two Year NODA has not undergone any public comment or peer review.⁸ Thirty days is an inadequate period of time for the public to meaningfully consider and comment on EPA's newly presented legal and technical issues.

We appreciate your consideration of our concerns, and we urge you to act quickly to ensure the public has a full and fair opportunity to comment on these important issues.

4 Such publication would be consistent with EPA's intent when it finalized the 2016 Rule to make the annual reports public 30 days after submission to improve transparency and benefit the public's ability to participate in future rulemakings. Id. at 35,853, 35,869, 35,870.

5 EPA, Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements, 82 Fed. Reg. 27,645 (June 16, 2017).

6 Id. at 27,648 ("Note that we are not taking comment at this time on substantive issues concerning these requirements, or on any of the other provisions subject to the reconsideration. This notice simply proposes to stay the specified requirements for two years. The EPA is seeking comment pertaining to this stay and its duration.").

7 See EPA, Regulatory Impact Analysis of the Final Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources 4-16 to -18 (May 2016).

8 See Memorandum to Docket, Estimated Cost Savings and Forgone Benefits Associated with the Proposed Rule, "Oil and Natural Gas: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements", at 9 (Oct. 17, 2017).

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Respectfully submitted,

Peter Zalzal

Samantha Caravello

Environmental Defense Fund

2060 Broadway, Suite 300

Boulder, CO 80302

(303) 447-7214

pzalzal@edf.org

Howard M. Crystal

Center for Biological Diversity

1411 K Street NW, Suite 1300

Washington, DC 20005

(202) 809-6926

hcrystal@biologicaldiversity.org

Joseph Otis Minott, Esq.

Robert Routh, Esq.

Clean Air Council

135 S. 19th Street, Suite 300

Philadelphia, PA 19103

Darin Schroeder

Clean Air Task Force

114 State Street, 6th Floor

Boston MA, 02109

(303) 579-4165

dschroeder@catf.us

Timothy Ballo

Earthjustice

1625 Massachusetts Ave. NW, Suite 702

Washington, DC 20036

(202) 745-5209

tballo@earthjustice.org

Adam Kron

Environmental Integrity Project

1000 Vermont Ave. NW, Suite 1100

Washington, DC 20005

(202) 263-4451

akron@environmentalintegrity.org

Scott Strand

Environmental Law and Policy Center

15 South 5th Street, Suite 500

Minneapolis, MN 55402

(612) 386-6409

ssstrand@elpc.org

Stephanie Kodish

National Parks Conservation Association

706 Walnut Street, Suite 200

Knoxville, TN 37902

(865) 329-2424 x28

skodish@npca.org

David Doniger

Meleah Geertsma

Natural Resources Defense Council

1152 15th Street NW, Suite 300

Washington, DC 20005

(202) 289-2403

ddoniger@nrdc.org

Andres Restrepo

Sierra Club

50 F Street NW, 8th Floor

Washington, DC 20001

(202) 650-6073

andres.restrepo@sierraclub.org